

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, May 3, 2006

10:00 a.m.

Room 308 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

MEMBERS PRESENT: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda.

MEMBERS ABSENT/EXCUSED: Representatives McConico and Virgil Smith.

Chairman Van Regenmorter laid **SB 709, SB 717, SB 718** and **SB 1122** before the committee:

SB 709	Stamas	Crimes; criminal sexual conduct; penalty for certain criminal sexual conduct violations; increase.
SB 717	Toy	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of first degree criminal sexual conduct; revise to reflect increased penalties.
SB 718	Gilbert	Corrections; parole; parole of individual convicted of certain criminal sexual conduct violations; prohibit.
SB 1122	Sanborn	Corrections; parole; electronic monitoring by global positioning devices of sex

TESTIMONY

Senator Stamas, sponsor of SB 709, explained his bill to the committee and testified in support of SB 717, SB 718 and SB 1122.

David Newman, representing the Michigan Department of Corrections, submitted cards in support of SB 717 and SB 1122, and indicated he was available for questions.

The committee went at ease at 10:26 a.m.

The committee resumed at 10:27 a.m.

Chairman Van Regenmorter laid **HB 5953** before the committee:

HB 5953 Schuitmaker Family law; marriage and divorce; provision regarding property rights; modify.

TESTIMONY

Representative Schuitmaker, sponsor of HB 5953, explained her bill to the committee.

Bill Kandler, representing the Family Law Section of the Michigan State Bar, submitted a card in support of the bill and did not wish to speak.

The committee went at ease at 10:29 a.m.

The committee resumed at 10:31 a.m.

Chairman Van Regenmorter laid **SB 53**, **SB 54** and **SB 151** before the committee:

SB 53 Brown Criminal procedure; sentencing guidelines; sentencing guidelines for crime of installing spyware on another person's computer without consent; enact.

SB 54 Brown Crimes; computer; installing spyware on another person's computer without consent; prohibit and provide penalties.

SB 151 Brown Civil procedure; civil actions; installing spyware or adware onto another individual's computer without consent; prohibit and provide remedies for.

TESTIMONY

Jeanne Laimon, from Senator Brown's office, testified in support of SB 151, SB 53 and SB 54.

E. Knute Judsen, representing himself, testified in support of SB 151, SB 53 and SB 54.

Dan Lohrmann, representing the Michigan Department of Information Technology, testified in support of SB 151 and SB 54 and submitted written testimony.

The following people submitted a card and did not wish to speak:

George Carr, representing Property Casualty Insurance Association of America, in opposition to SB 151.

Dyck Van Koevering, representing the Insurance Institute of Michigan, in opposition to SB 151 in its current form.

David Newman, representing the Michigan Department of Corrections, indicating neutrality on SB 53.

Anthony Wilson, representing Microsoft, testified in support of SB 151.

Frank Venuto, representing the American Council of Life Insurers, testified opposing some aspects of SB 151.

The committee returned to the consideration of **SB 709**.

Representative Jones moved to adopt the substitute **(H-2)** to **SB 709**. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **10-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino and Adamini,

Nays: None,

Pass: None.

Representative Rocca moved to report **SB 709** with recommendation, as substitute **(H-2)**. The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **10-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino and Adamini,

Nays: None,

Pass: None.

The committee returned to the consideration of **SB 717**.

Representative Stakoe moved to adopt the substitute **(H-1)** to **SB 717**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **10-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino and Adamini,

Nays: None,

Pass: None.

Representative Jones moved to report **SB 717** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, David Law, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

The committee returned to the consideration of **SB 718**.

Representative Condino moved to adopt the substitute **(H-1)** to **SB 718**. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, David Law, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Jones moved to report **SB 718** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, David Law, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

The committee returned to the consideration of **SB 1122**.

Representative David Law moved to adopt the substitute **(H-1)** to **SB 1122**. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, David Law, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Condino moved to report **SB 1122** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Lipsey**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, David Law, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

The committee returned to the consideration of **HB 5953**.

Representative Nofs moved to report **HB 5953** with recommendation. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, David Law, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **HB 5396** before the committee:

HB 5396	David Law	Trade; tobacco; purchase or attempt to purchase tobacco products by minors; prohibit.
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TESTIMONY

Representative David Law, sponsor of HB 5396, explained his bill to the committee.

Raj Weiner, representing the American Heart Association, American Cancer Society and the American Lung Association, testified in opposition to the bill.

Tim Ward, representing the Altria Corporate Services, testified in support of the bill.

The following people submitted a card and did not wish to speak:

Linda Gobler, representing the Michigan Grocers Association, supports the bill.

Eric Rule, representing the Michigan Retailers Association, supports the bill, as is.

Ed Weglarz, representing the Associated Food and Petroleum Dealers, supports the bill.

Tony DeLuca, representing the Service Station Dealers Association of Michigan (SSDA-MI), supports the bill.

Tom Husband, representing the Michigan Petroleum Association and the Association of Convenience Stores, supports the bill.

Judy Stewart, representing the American Cancer Society, opposes the bill and submitted written testimony.

Representative Jones moved to adopt the substitute (**H-1**) to **HB 5396**. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, David Law, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Jones moved to report **HB 5396** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, David Law, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Bieda moved to excuse absent members from the committee. The motion was supported by **Representative Jones**. There being no objection, the motion prevailed by unanimous consent.

Representative Law moved to adopt the minutes of the **April 18** and **April 19, 2006** meetings. The motion was supported by **Representative Rocca**. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 11:38 a.m.

Representative William Van Regenmorter, Chair

House Standing Committee on Judiciary

Malika Abdur-Rashid

Committee Clerk

517-373-7256

1 Hour and 8 Minutes